

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

SCANSOFT, INC.

Plaintiff,

V.

Civil Action No. 04-10353 PBS

VOICE SIGNAL TECHNOLOGIES, INC.,  
LAURENCE S. GILLICK, ROBERT S.  
ROTH, JONATHAN P. YAMRON, and  
MANFRED G. GRABHERR

Defendants.

**DECLARATION OF ERIK PAUL BELT, ESQ. IN SUPPORT OF  
SCANSOFT'S MOTION TO COMPEL DEPOSITIONS OF  
LAWRENCE R. GILLICK, ROBERT S. ROTH, AND JONATHON P. YAMRON**

I, Erik P. Belt, upon oath, declare as follows:

1. I am a partner at Bromberg & Sunstein LLP and represent the plaintiff, ScanSoft, Inc., in this matter.
2. At the *Markman* hearing, this Court instructed the parties to proceed with all depositions previously scheduled. **Exh. A**, *Markman* Hearing, Transcript (excerpts).
3. On December 10, 2004, ScanSoft, Inc., served on defendants Lawrence R. Gillick, Robert S. Roth, and Jonathon P. Yamron notices of deposition. **Exh. B**. Defendant did not appear as originally noticed.
4. On February 1, 2005, ScanSoft, Inc., served on defendants Gillick, Roth, and Yamron re-notices of deposition. **Exh. C**.
5. On each of these occasions, Defendants' counsel stated that they would not attend, or alternatively, would attend the depositions but would instruct Defendants not to answer

any questions. Counsel further stated that it would be pointless to depose the witnesses without documents requested in discovery. But, then Defendants repeatedly refused to turn over any documents. In fact, Defendants are now under two court orders to disclose confidential info sought in discovery. Defendants' position is the ultimate Catch 22. In effect, Defendants are telling ScanSoft and this Court that, "We will not appear for depositions until we produce documents, but we will not produce documents."

6. On June 14, 2005, ScanSoft, served on defendants Gillick, Roth, and Yamron another set of re-notices of deposition. **Exh. D.**

7. On June 22, 2005, I spoke with Mr. Popeo, counsel for defendants, regarding the re-noticed depositions. I said that Scansoft intended to take the depositions as scheduled, or on mutually agreeable alternate dates. Mr. Popeo said that he would not produce the witnesses on the currently noticed dates and refused to provide alternate dates.

8. Mr. Popeo took the position that defendants will not even consider scheduling the depositions until after the July 18th Status Conference and indeed, until after the source code discovery issue is settled. That could be months from now.

SIGNED UNDER THE PENALTY OF PERJURY THIS 24th DAY OF JUNE.

/s/ Erik Paul Belt  
Erik Paul Belt